

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TANESHA BROWN,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA.

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), by and through undersigned counsel, hereby removes this action from the Magistrate Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. Removal is proper because this Court has subject matter jurisdiction over this action under federal question jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, Wells Fargo removes this action and in support of its Notice of Removal states the following:

FACTUAL BACKGROUND

1. On February 9, 2023, Plaintiff Tanesha Brown (“Plaintiff”) filed a Statement of Claim (“Complaint”) against Wells Fargo in the Magistrate Court of Gwinnett County, Georgia, Civil Action No. 23-M-04931 (the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Wells Fargo in the State Court Action are attached to this Notice of Removal as **Exhibit A**.

2. Wells Fargo was served with the Summons and Complaint in the State Court Action on February 13, 2023.

3. Plaintiff’s Complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, *et seq.* (“FDCPA”). (Compl. ¶ 2.) Specifically, Plaintiff alleges that “Wells Fargo has violated [her] rights under FDCPA Guidelines” and engaged in “unfair and deceptive practice[s].” (*Id.*)

4. Wells Fargo denies the allegations in the Complaint, denies that Plaintiff has stated any claim for which relief may be granted, and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff’s claims are valid, she could have originally filed the Complaint in this Court under federal question jurisdiction because Plaintiff alleges

violations of the FDCPA, a federal law. Removal of this entire case is therefore proper under 28 U.S.C. §§ 1331, and 1441.

FEDERAL QUESTION JURISDICTION

5. This Court has original jurisdiction over Plaintiff's FDCPA claims pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over "all civil actions arising under the Constitution, laws, or treaties of the United States."

6. Removal of this action is proper under 28 U.S.C. § 1441(a), which provides, in relevant part, that "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

7. In the Complaint, Plaintiff alleges violations of the FDCPA, a federal statute. (Compl. ¶ 2.) Therefore, federal question jurisdiction exists over this action because Plaintiff's allegations involve questions that will require resolution of significant, disputed issues arising under federal law.

PROCEDURAL REQUIREMENTS

8. Wells Fargo files this Notice of Removal within one (1) year of the date of the commencement of the action for removal purposes. Accordingly, the action is timely removed pursuant to 28 U.S.C. § 1446(c)(1).

9. Wells Fargo also files this Notice of Removal within thirty (30) days of service of the Complaint. Therefore, this Notice of Removal is timely filed within the time prescribed by 28 U.S.C. § 1446(b)(1).

10. This action is properly removed to this Court, as the State Court Action is pending within this district and division. 28 U.S.C. § 1441.

11. Wells Fargo is the only defendant in this case. Thus, all defendants to the claims over which this Court has original jurisdiction under 28 U.S.C. § 1331 have joined in or consented to removal of the State Court Action.

VENUE

12. Venue is proper in the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. § 1441(a), because the State Court Action was filed within this District and Division and the case is being removed from Gwinnett County, Georgia.

NOTICE

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served this day upon Plaintiff and filed with the Clerk of the Magistrate Court of Gwinnett County, Georgia. A copy of the Notice of Filing of Notice of Removal, without exhibits, is attached hereto as **Exhibit B**.

14. No proceedings have occurred in the State Court Action as of the date of this Notice of Removal. Wells Fargo has not filed a response to the Complaint. Wells Fargo reserves all rights to assert any and all defenses and/or objections to the Complaint.

15. Wells Fargo reserves the right to amend or supplement this Notice of Removal.

16. If any questions arise as to the propriety of the removal of this action, Wells Fargo requests the opportunity to present a brief and argument in support of its position that this case is removable.

WHEREFORE, having met all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including the jurisdictional requirements of 28 U.S.C. § 1331, Defendant Wells Fargo Bank, N.A., hereby removes this action from the Magistrate Court of Gwinnett County, Georgia to the United States District Court for the

Northern District of Georgia, Atlanta Division, and seeks whatever further relief this Court deems equitable and just.

Dated: March 13, 2023

Respectfully submitted,

/s/ Lindsay A. Fleming

Lindsay A. Fleming

Georgia Bar No. 503940

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Counsel for Defendant

Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I certify that on March 13, 2023, I filed a true and correct copy of the foregoing **Notice of Removal** electronically via the Court's CM/ECF system, which automatically sends email notification of such filing to all parties of record, and served the foregoing via U.S. Mail to the following:

Tanesha Brown
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Pro Se Plaintiff

/s/ Lindsay A. Fleming
Lindsay A. Fleming
Georgia Bar No. 503940